

Narrative

David Morgan was served with legal paperwork. I attached an audio recording of my interaction with David. Nothing further.

Robert Watkins #1304

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Cochise County Sheriff

Officer Report for Incident 17-00143

Nature: INFORMATION

Location: 1P

Address: 5150 S Santa Lucia Ave

Sierra Vista AZ 85635

Offense Codes: M047

Received By: NDeLaTorre

How Received: T

Agency: CCSO

Responding Officers: SBarney CCSO

Responsible Officer: SBarney CCSO

Disposition: CC 01/03/17

When Reported: 01:37:06 01/03/17

Occurred Between: 01:31:02 01/03/17 and 01:31:02 01/03/17

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant: 26011

Last: Cochise County
Sheriff

First:

Mid:

DOB: **/**/**

Dr Lic:

Address: 100 Colonia De Salud; Suite #106

Race:

Sex:

Phone: (520)803-3850

City: Sierra Vista, AZ 85635

Offense Codes

Reported: HA01 Harassment

Observed:

Additional Offense: M047 Information

Circumstances

LT20 Residence/Home

Responding Officers:

Unit :

SBarney CCSO

C538

Responsible Officer: SBarney CCSO

Agency: CCSO

Received By: NDeLaTorre

Last Radio Log: **/**/** **/**/**

How Received: T Telephone

Clearance: RBC Reviewed by Master Deputy

When Reported: 01:37:06 01/03/17

Disposition: CC Date: 01/03/17

Judicial Status:

Occurred between: 01:31:02 01/03/17

Misc Entry: cmplt

and: 01:31:02 01/03/17

Modus Operandi:

Day of Week

Description :

Preferred Day of Week

Method :

Time of Day

Preferred Time of Day

Tuesday

Scene

Type of Crime Scene

Night

Single Family Home

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08/07/19

Narrative

On 01/03/17 at 0131, I was dispatched for a harassment call where the PR requested a phone call from a deputy.

I made contact with Alexis Cook via telephone. I asked Alexis what had happened. Alexis then stated that she was contacted by David Morgan about an e-mail that he received about her stating to David Morgan that he needs to have his Alexis Cook on a leash.

Alexis then went on to state that she has been harassed by calls and text messages from (520)234-8382. Also she stated that she has been getting threats from this number.

After getting off the phone with Alexis, I called the number that she gave and it went to voice mail after a couple rings.

I looked up the number in spillman and came up negative. I looked up Alexis's ex boyfriend and the number is different than the number given by Alexis.

Nothing further.

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Cochise County Sheriff

Officer Report for Incident 17-31251

Nature: INFORMATION
Location: 2PD

Address: Bisbee Area
Bisbee AZ 85603

Offense Codes: M047
Received By: ARegan
How Received: O
Agency: CCSO
Responding Officers: TBorquez
Responsible Officer: TBorquez
Disposition: CLO 06/21/18
When Reported: 08:22:02 10/27/17
Occurred Between: 08:21:41 10/27/17 and 08:21:41 10/27/17

Assigned To: TBorquez
Status: CLO
Detail: GI
Status Date: 06/21/18
Date Assigned: **/**/**
Due Date: **/**/**

Complainant: 467
Last: Cochise County Sheriff's Office
First:
Mid:
DOB: **/**/**
Dr Lic:
Address: 100 Colonia De Salud; Ste #106
Race:
Sex:
Phone: (520)803-3850
City: Sierra Vista, AZ 85635

Offense Codes

Reported: M047 Information
Additional Offense: M047 Information
Observed:

Circumstances

LT20 Residence/Home
MOR Miscellaneous Offense report
FTING Forward to Investigations Gene

Responding Officers:
TBorquez
Unit :
C7D46

Responsible Officer: TBorquez
Received By: ARegan
How Received: O Officer Report
When Reported: 08:22:02 10/27/17
Judicial Status:
Misc Entry: Sgt T Parker

Agency: CCSO
Last Radio Log: **/**/**
Clearance: RBS Reviewed By Sgt.
Disposition: CLO Date: 06/21/18
Occurred between: 08:21:41 10/27/17
and: 08:21:41 10/27/17

Modus Operandi:
Day of Week

Description :
Preferred Day of Week
Method :
Friday

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08/07/19

Narrative

CCSO
DR# 17-21251
UNLAWFUL Grand JURY DISCLOSURE
T. BORQUEZ #0622
INVESTIGATIONS DIVISION

DISTRIBUTION:
CCSO Records, Bisbee

CHARGE:
A. R. S. 13-2812 A, Unlawful Grand Jury Disclosure, a class 1 Misdemeanor.

VICTIM:
The State of Arizona

SUSPECT:
David Morgan

PERSONS MENTIONED IN THIS REPORT:

Lt. Gijanto
Lt. Monge
Lt. Rodriguez
Sgt. Parker
Det. Jamka
Det. McGeoghegan
Bryan McIntyre
Lori Zucco
David Wilkison
David Morgan

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NARRATIVE:

On 10-08-17, at approximately 0902 hrs, David Morgan posted on his Facebook page (Cochise County Courts, Crime, Jail, Justice & Politics), with the heading David M Morgan is at Cochise County Superior Court, an article about prosecutor "Cherry-picked" Stories, Misled Grand Jury, CCSO Detective lied.

In this post, Morgan showed a picture of a Motion for Remand to the Grand Jury for Redetermination of Probable Cause and two (2) pictures which were used as exhibits in the Grand Jury Proceeding on Roger Wilson. One of these pictures was an aerial shot of the crime scene and the other was a picture of the victim with the gunshot wound. In this post, Morgan attached hyperlinks to the motion, Grand Jury Transcript (which included the names of the Grand Jurors), and Transcript of the interview with Wilson.

The victim's family asked Morgan to remove the post but Morgan refused.

On 10-11-17, County Attorney McIntyre sent Morgan an e-mail asking him to remove the Grand Jury transcript, exhibits from Grand Jury proceedings and the Motion to Remand (to the extent that it contains references or attachments with these materials) in State v. Roger Wilson. Morgan was informed disclosure of Grand Jury proceedings is unlawful absent a court order. Morgan was asked to remove these at his earliest opportunity.

Later in the day Roger Wilson's Defense Attorney (David Wilkison) was contacted via e-mail by the Deputy County Attorney Lori Zucco and asked if he knew how Morgan obtained a copy of the Grand Jury Transcript since the Court Clerk's

Office didn't provide it to him.

On 10-12-17, Morgan responded saying he was going to confer with counsel with experience in 1st Amendment issues and AZ Public Records in order to respond appropriately.

On the same day, County Attorney McIntyre responded and provided some case law as reference and asked for his counsel to respond or for him to respond if he doesn't receive counsel.

On 10-17-17, Wilkison responded to Zucco and said he provided the copy to Morgan as Morgan was going to visit Wilson at the Santa Cruz County Jail. Morgan told Wilkison, Wilson was requesting a copy of the transcript. Wilkison said he didn't inform Morgan he could keep a copy for himself. Wilkison said Roger's mother (Jan) requested a copy and he didn't give her one.

On 10-26-17, Morgan posted his response to County Attorney's McIntyre on his Facebook page. In the response, Morgan refused to remove the Grand Jury transcript, exhibits from Grand Jury proceedings and the Motion to Remand.

I was contacted by the County Attorney's Office (CAO) and asked if I could open an investigation into this incident. I was asked to find out if the Santa Cruz County Jail (SCCJ) would allow face to face contact with an inmate and if they would allow Morgan to give Wilson mail. I called Lt. Rodriguez from SCCJ but he didn't answer. I left a message for him to call me back.

On 10-27-17, I went to Superior Court Satellite Office in Sierra Vista to see how I could obtain a copy of security video. I spoke to Thomas Hilb from Court Security who told me he could make a copy of the video for me. I provided Hilb with the date and time range I was looking for. Hilb brought up the footage on his computer and we looked at it together.

Hilb brought up the camera from the Clerk's Office. You can see Morgan in the Clerk's Office and he speaks to Wilkison. Wilkison has an interaction with a clerk and then puts some documents in a file for the Clerk's Office. Wilkison shows Morgan the documents he put in the file. Wilkison leaves the Clerk's Office and Morgan stays behind and picks up some documents from a clerk. Morgan then leaves.

Hilb pulled the lobby camera and it shows Morgan and Wilkison going into the Clerk's Office and leaving.

Hilb said he could make me a copy of this footage but he would need an e-mail with my report number. Hilb said it might take him a few days to make a copy but he would let me know when it was complete.

On 10-31-17, at 0900 hrs, I attended a meeting with County Attorney McIntyre, Deputy Attorney Zucco, Lt. Gijanto, Sgt. Parker. We discussed if we were going to pursue this case and if I was going to investigate it. After confirming this we discussed how we were going to approach this case.

I was asked to contact SCCJ and see if they would allow face to face contact with an inmate and if they would allow Morgan to give Wilson mail. I was also asked to obtain a search warrant for Morgan's Facebook posts as it contained the Grand Jury Transcript.

After the meeting, I went to the Sierra Vista Detective's Office and contacted Lt. Rodriguez from SCCJ via telephone. I turned on my Puma recorder. Lt.

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Rodriguez said they do not allow face to face visits with inmates as it is all done through video visits. Lt. Rodriguez said in order to use their video visits system, you have to come to their jail. Lt. Rodriguez said if someone came to use their video system they wouldn't accept a letter from that person to give to the inmate. Lt. Rodriguez said they only accept legal mail if it is sent in by the inmate's attorney. I asked for a copy of Wilson video visits and was told to send in a request on my Department letterhead.

I filled out the request and sent it to Lt. Rodriguez.

At approximately 1342 hrs, I went to Superior Court and picked up a copy of the security video.

I drafted a search warrant for Morgan's Facebook post and presented it to Judge Dickerson from JP#5. Judge Dickerson reviewed and signed the search warrant.

I went back to my office and served the search warrant to Facebook via Facebook's legal service.

I returned the search warrant to JP#5.

On 11-01-17, I went onto Facebook and looked at Morgan's post. I observed it was still on his Facebook page. I highlighted the entire post and comments and made a PDF copy. It should be noted the reason the search warrant was sent to Facebook was to obtain an official copy of the post from Facebook.

I viewed the security video from Superior Court in Bisbee on 10-08-17. At approximately 16:48:15 you can see David Morgan walk into the Clerk's office (east entrance) and approaches one of the windows. At approximately 16:49:59, Morgan reaches his hand out and shakes hands with David Wilkison. Wilkison then walks past Morgan (east entrance) and files a document with the clerk.

At approximately 16:50:20, Morgan walks out of the Clerk's office (east entrance). At approximately 16:53:36, Wilkison takes the document he filed and places it in a folder for the Clerk's office. At approximately 16:53:47, Wilkison walks out of the Clerk's Office (west entrance). At approximately 16:55:07, Wilkison (west entrance) and Morgan (east entrance) walk back into the Clerk's Office. Wilkison goes back into the file where he placed the field document and shows it to Morgan. At approximately 16:55:33, Wilkison puts the documents back in the file. Wilkison and Morgan start to have a conversation. At approximately 16:58:00, Wilkison walks out of the east entrance. At approximately 16:58:53, Morgan walks out of the east entrance. At approximately 17:00:11 Morgan walks back in the east entrance. At approximately 17:02:55, Morgan receives some documents from the clerk. At approximately 17:03:11, Morgan leaves via the east entrance.

I looked at the lobby camera. At approximately 16:48:09, Morgan is seen walking into the lobby (from outside) and heading towards the Clerk's Office. At approximately 16:49:55, Wilkison is seen walking into the lobby (from outside) and heading towards the Clerk's Office. At approximately 16:58:03, Wilkison is seen walking from the Clerk's Office. He checks his mailbox and then leaves the courthouse. At approximately 16:59:17, Morgan is seen walking out of the Clerk's Office and speaks to one of the Court security guards. At approximately 17:00:08, Morgan walks back to the Clerk's Office. At approximately 17:03:13, Morgan leaves the courthouse.

On 11-14-17, I received notice from Facebook they had the information. I checked Facebook's legal page and found they provided me with blank documents.

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I inquired as to why the documents were blank and I was told they couldn't find the post I was requesting.

On 11-15-17, I asked Detective Jamka to assist me with drafting a new search warrant for this information as I was in trial on another case. Detective Jamka added the hyperlink to the post we were asking for. Detective McGeoghegan took the search warrant to JP#5 and presented it to Judge Ramaeker. Judge Ramaeker reviewed and signed the search warrant.

On 11-16-17, I served the search warrant to Facebook via Facebook's legal service. I then filled out a return and returned the search warrant to JP#5.

On 12-07-17, I received an e-mail from Deputy County Attorney Zucco. The e-mail indicated Wilson had filed a motion saying Zucco lied to the court and he was the one who gave Morgan the Grand Jury Transcripts. Wilson said all the court would have to do is check his property release and it would show this. I was asked to look into all of Wilson's property releases.

On 12-11-17, approximately 1025 hrs, I contacted Lt. Rodriguez from SCCJ. I asked Lt. Rodriguez about their property release procedures. Lt. Rodriguez told me they don't release property unless an inmate has been sentenced. Lt. Rodriguez said they have not released any of Wilson's property.

At approximately 1053 hrs, I contacted Lt. Monge from Bisbee Jail. Lt. Monge said they don't have any property release forms from Wilson. Lt. Monge added Wilson was only in their jail for a brief time.

At approximately 1938 hrs, I received an e-mail from Morgan. The e-mail indicated he filed a motion to quash the search warrant and he attached the motion.

On 12-12-17, I contacted Facebook as I noticed they had changed the status of the search warrant to completed. Facebook said they are holding off on complying with the search warrant until they receive the judgment from the motion to quash the search warrant.

On 12-19-17, I was advised the hearing for the motion to quash the search warrant was on 01-09-18, at 1330 hrs, in JP#5. After this hearing, a supplement will be completed.

STATUS:

Active

ATTACHMENTS:

Affidavit for Search Warrant SW20170233 (4 Pages)
Search Warrant SW20170233 (2 Pages)
Search Warrant Return SW20170233
Affidavit for Search Warrant SW20170240 (4 Pages)
Search Warrant SW20170240 (2 Pages)
Search Warrant Return SW20170240
E-mails between Zucco and Wilkison (2 Pages)
E-mails between McIntyre and Morgan (3 pages)
E-mail from Morgan

IMAGES: No

AUDIO: Yes

Report generated by:

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Detective Todd Borquez #0622
CCSO Investigations Division
Date/Time
Tue Dec 19 15:29:54 MST 2017

Reviewed by:
Det Sgt Tal. Parker

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